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## NOTICE OF ALLOWANCE AND FEE(S) DUE

68533 7590 06/16/2008

MEGAN LYMAN  
1816 SILVER MIST CT.  
RALEIGH, NC 27613

EXAMINER

FLANDERS, ANDREW C

ART UNIT

PAPER NUMBER

2615

DATE MAILED: 06/16/2008

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/648,012

08/26/2003

C. Earl Woolfork

1028.1

3337

TITLE OF INVENTION: WIRELESS DIGITAL AUDIO SYSTEM

| APPLN. TYPE    | SMALL ENTITY | ISSUE FEE DUE | PUBLICATION FEE DUE | PREV. PAID ISSUE FEE | TOTAL FEE(S) DUE | DATE DUE   |
|----------------|--------------|---------------|---------------------|----------------------|------------------|------------|
| nonprovisional | YES          | \$720         | \$0                 | \$0                  | \$720            | 09/16/2008 |

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.**

**THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.**

### HOW TO REPLY TO THIS NOTICE:

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If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

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B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

# **PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE  
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**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

68533 7590 06/16/2008

MEGAN LYMAN  
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RALEIGH, NC 27613

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## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

|                    |
|--------------------|
| (Depositor's name) |
| (Signature)        |
| (Date)             |

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/648,012      | 08/26/2003  | C. Earl Woolfork     | 1028.1              | 3337             |

TITLE OF INVENTION: WIRELESS DIGITAL AUDIO SYSTEM

| APPLN. TYPE    | SMALL ENTITY | ISSUE FEE DUE | PUBLICATION FEE DUE | PREV. PAID ISSUE FEE | TOTAL FEE(S) DUE | DATE DUE   |
|----------------|--------------|---------------|---------------------|----------------------|------------------|------------|
| nonprovisional | YES          | \$720         | \$0                 | \$0                  | \$720            | 09/16/2008 |

| EXAMINER           | ART UNIT | CLASS-SUBCLASS |
|--------------------|----------|----------------|
| FLANDERS, ANDREW C | 2615     | 700-094000     |

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 \_\_\_\_\_
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 \_\_\_\_\_
- 3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
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- ☐ A check is enclosed.
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5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

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Date \_\_\_\_\_

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This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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| 10/648,012         | 08/26/2003  | C. Earl Woolfork     | 1028.1                  | 3337             |
| 68533              | 7590        | 06/16/2008           | EXAMINER                |                  |
| FLANDERS, ANDREW C |             |                      |                         |                  |
| ART UNIT           |             |                      | PAPER NUMBER            |                  |
| 2615               |             |                      | DATE MAILED: 06/16/2008 |                  |

MEGAN LYMAN  
1816 SILVER MIST CT.  
RALEIGH, NC 27613

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 199 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 199 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

**Notice of Allowability**

Application No.

10/648,012

Applicant(s)

WOOLFORK, C. EARL

Examiner

ANDREW C. FLANDERS

Art Unit

2615

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the interview on 20 May 2008.
2. ☒ The allowed claim(s) is/are 19-26,29-32,43,44,45,46,49,50 and 60.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

/Suhan Ni/  
Primary Examiner, Art Unit 2615

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Megan Lyman on 02 June 2008.

The application has been amended as follows:

Please cancel claims 33, 34, 37, 38, 51, 52, 53, 54, 55, 57, 59 and 61.

30. (Currently Amended) A wireless digital audio system, comprising:  
at least one audio source;  
at least one portable digital audio transmitter operatively coupled to said at least one audio source, said at least one portable digital audio transmitter comprising:  
a first analog low pass filter receiving audio output from said at least one audio source;  
a digital low pass filter;  
an analog-to-digital converter (ADC) operatively coupled between said first analog and digital low pass filters;

a first encoder receiving output from said digital low pass filter and being configured to reduce intersymbol interference (ISI);

a second channel encoder operatively coupled to said first encoder and adapted to reduce transmission errors;

a digital modulator operatively coupled to said second channel encoder; and

a differential phase shift key (DPSK) module receiving output from said digital modulator and a unique user code and being configured for direct sequence spread spectrum (DSSS) communication, said DPSK module transmitting a corresponding DSSS signal;

at least one audio receiver configured for digital wireless communication with said at least one portable digital audio transmitter and utilizing embedded fuzzy logic detector wherein the fuzzy logic detector activates fuzzy logic rules and performs a defuzzification operation in response to a received unique user code to enhance detection of the unique user code ~~to enhance detection of the unique user code~~ in said transmitted DSSS signal, said at least one audio receiver comprising:

a band pass filter (BPF) configured to process said transmitted DSSS signal;

a direct conversion module receiving output from said BPF and being configured to capture the correct bit sequence embedded in the received DSSS signal;

a digital demodulator adapted to process output from said direct conversion module;

a Viterbi decoder operatively coupled to said digital demodulator and generating

Art Unit: 2615

a corresponding digital output;

a source decoder processing said digital output from said Viterbi decoder and being configured to decode the digital signal encoded by said first encoder;

a second analog low pass filter; and

a digital-to-analog converter (DAC) operatively coupled between said source decoder and said second analog low pass filter, said second analog low pass filter generating the audio output;

at least one module adapted to reproduce said amplified audio output, if the unique user code is recognized, said audio output having been wirelessly transmitted from said at least one audio source to a user privately without interference from other users or wireless devices when operated in a shared space containing multiple users of wireless devices utilizing code division multiple access (CDMA) communication.

60. (New) A wireless digital audio system, comprising: an audio source to provide an audio signal representative of music;

a portable digital audio transmitter operatively coupled to said audio source, said portable audio transmitter comprising:

a first analog low pass filter receiving audio output from said audio source; a digital low pass filter;

an analog-to-digital converter (ADC) operatively coupled between said first analog and digital low pass filters;

a first encoder receiving output from said digital low pass filter and being configured to reduce intersymbol interference (ISI);

a second channel encoder operatively coupled to said first encoder and adapted to reduced transmission errors;

a digital modulator operatively coupled to said second channel encoder;

and

a differential phase shift key (DPSK) module receiving output from said digital modulator and being configured for code division multiple access (CDMA) communication, said DPSK module transmitting a corresponding CDMA signal with a unique user code;

an audio receiver configured for digital wireless communication with said portable digital audio transmitter and utilizing an embedded fuzzy logic detector wherein the fuzzy logic detector activates fuzzy logic rules and performs a defuzzification operation in response to a received unique user code to enhance detection of the unique user code, said audio receiver comprising:

a band pass filter (BPF) configured to process said transmitted CDMA signal;

a direct conversion module receiving output from said BPF and being configured to capture the correct bit sequence embedded in the received spread spectrum signal;



a digital demodulator adapted to process output from said direct conversion module;

a Viterbi decoder operatively coupled to said digital demodulator and generating a corresponding digital output;

a source decoder processing said digital output from said Viterbi decoder and being configured to decode the digital signal encoded by said first encoder;

a second analog low pass filter; and

a digital-to-analog converter (DAC) operatively coupled between said source decoder and said second analog low pass filter, said second analog low pass filter generating an audio output corresponding to the decoded and converted digital signal; and at least one module adapted to reproduce said generated audio output, said audio having been wirelessly transmitted from said audio source ~~virtually~~ free from interference from multiple CDMA transmission sources and other device transmitted signals operating in the wireless digital audio system spectrum to a user providing a particular said audio receiver headphone user with independent audio in a shared space with other wireless digital audio system users, wherein each of said wireless digital audio system users utilize an independent portable transmitter and headphone receiver.

***Allowable Subject Matter***

Claims 19 – 26, 29 - 32, 43,44, 45, 46, 49, 50 and 60 are allowed.

The following is an examiner's statement of reasons for allowance:

Claims 19, 30, 43, 44 and 60 are allowable for the reasons stated in Applicant's remarks filed 29 April 2008.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW C. FLANDERS whose telephone number is (571)272-7516. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Suhan Ni can be reached on (571) 272-7505. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2615

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew C Flanders/  
Patent Examiner  
Art Unit 2615

/Suhan Ni/

Primary Examiner, Art Unit 2615